Mr. ABDUL HAMID KHAN :—" May I know whether the Government did not know that there are ten members of this Council who are in favour of the appointment that was not made ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" In fact, there were many signatories to the memorials. They did not scrutinize the signatures in the memorials."

Mr. P. C. VENKATAPATI RAJU :—" Apart from the Muslim Members of this Council being as much respectable as others outside the Council, does not the Government know that they are representatives of the Muslim community ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They are representatives of certain portions of the Muhammadan community."

Alleged deputation to His Excellency the Governor of Madras regarding the appointment of the Kazi of Madras.

* 482 Q.—Mr. ABDUL HAMID KHAN : Will the hon. the Law Member be pleased to state—

(*a*) what was the Collector's report as to the fittest person for the office of the Kazi of Madras ;

(*b*) whether a deputation of leading Muslims waited on His Excellency the Governor and the hon. the Law Member in connexion with the appointment of the Kazi and, if so, what their representation was ;

(*c*) whether the said deputation declared that Moulvi Haji Habib-ul-la was the fittest person for the place ; and

(*d*) whether any deputation waited upon His Excellency the Governor or the hon. the Law Member requesting the appointment of Mr. Fasi-ud-din ?

A.—(*a*) The Government do not propose to publish the report of the Collector on the subject.

(*b*) & (*c*) A deputation of a certain section of the Muhammadans of Madras waited on His Excellency the Governor on the 9th January 1928. The hon. Sir C. P. Ramaswami Ayyar was also present when the deputation was received by His Excellency. The deputation urged that there should be only one Kazi for the whole of Madras entitled to give fatwas or decisions on religious and secular matters affecting Muhammadans and that Moulvi Haji Habib-ul-la was the fittest person to be the Kazi.

(*d*) No.

Mr. ABDUL HAMID KHAN :—" May I know from the hon. the Law Member whether there was any deputation in favour of the gentleman whom they have appointed ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There was no deputation."

Mr. ABDUL HAMID KHAN :—" May I know what the Government did after receiving the deputation in favour of Haji Habib-ul-la Sahib ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The opinion of a deputation is not the sole basis on which appointments are made."

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Mr. ABDUL HAMID KHAN :—" May I know the names of the persons who formed that deputation ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The names of the persons that waited on His Excellency are not kept in the Government Office. I saw their names in the ' Madras Mail '."

Mr. ABDUL HAMID KHAN :—" Is the hon. the Law Member aware that that deputation was representative of all sections of opinion and of all classes of people not only from the City but from all parts of the Presidency ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am not aware."

Qualifications of Mr. Fasi-ud-din to discharge the functions of the Kazi of Madras.

*483 Q.—Mr. ABDUL HAMID KHAN : Will the hon. the Law Member be pleased to state—

(a) what the functions of the Kazi are ;

(b) whether the Government will be pleased to place on the table copy of G.O. No. 331, Political, dated 24th May 1899 ;

(c) whether it is a fact that it is a function of the Kazi to furnish opinion to the Government and public relating to Muslim Law and custom ; and

(d) whether the Government have considered whether Mr. Fasi-ud-din is competent to give authoritative opinion or fatwas to the Government and Muslim public as contemplated in G.O. No. 331, Political, dated 24th May 1899 ?

A.—(a) & (c) So far as Government are concerned, the functions of a Kazi are contained in the Preamble to the Kazis Act, XII of 1880.

(b) A copy of the order [a] of Government is placed on the table of the House.

(d) The Government are not called upon to consider whether a person to be appointed Kazi should be competent to give authoritative opinions or fatwas as stated by the hon. Member. The main test they have to apply with reference to section 2 of the Act is whether the person proposed for appointment is acceptable to the principal Muhammadan residents of the local area concerned.

Mr. ABDUL HAMID KHAN :—" In clause (d) of the answer to this question the Government say that they are not called upon to consider whether a person to be appointed Kazi should be competent to give authoritative opinions or fatwas as stated by the hon. Member. May I know, Sir, whether the Government is so ignorant of the fact that a Kazi who is appointed has to give fatwas affecting the religion and the other fundamental things of the Muslim community ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The sole guidance of the Government in this matter is the Preamble to the Kazis Act."

[a] Printed as Appendix III on page 343 infra.